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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE, et al.

Plaintiffs,

v.

FREMONT PAVING COMPANY, INC., a
California Corporation, et al.,

Defendants.

Case No.: C11-4417-JSW

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT and
REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE;
~~[PROPOSED]~~ ORDER THEREON**

Date: June 29, 2012

Time: 1:30 p.m.

Ctrm: 11, 19th Floor

Judge: Honorable Jeffrey S. White

Plaintiffs and Defendant Fremont Paving Company, Inc. herein respectfully submit their Joint Case Management Statement, requesting that the Case Management Conference, currently on calendar for June 29, 2012, be continued for approximately 30 days.

1. As the Court's records will reflect, this action was filed on September 6, 2011, to compel Defendants to comply with their Collective Bargaining Agreement.

2. As the Court's records will further reflect, service of process on Defendant Fremont Paving Company, Inc. was effectuated on September 12, 2011. A Proof of Service of Summons was filed with the Court on October 4, 2011 (Dkt. #9).

1 3. Robert E. Carey, Jr., Esq. of Carey & Carey Law Corporation appeared on behalf
2 of Defendant Fremont Paving Company, and filed a Stipulation to Extend The Time Within
3 Which Defendants May Answer or Otherwise Respond to The Complaint (Dkt. #12) with the
4 Court on October 12, 2011. Plaintiffs granted additional extensions of time for Defendant Fremont
5 Paving Company to respond to the Complaint thereafter.

6 4. Plaintiffs filed their First Amended Complaint on April 5, 2012 (Dkt. #19).

7 5. Service of process on Defendant Brittany Danielle Lebon was effectuated on April
8 11, 2012, and a Proof of Service of Summons was filed with the Court on April 17, 2012 (Dkt.
9 #21).

10 6. On May 8, 2012, the Court entered the default of Defendant Brittany Danielle
11 Lebon (Dkt. #25). To date, Defendant Brittany Danielle Lebon has failed to plead or otherwise
12 defend or appear in this action. Therefore, Plaintiffs are currently preparing a Motion for Default
13 Judgment as to Brittany Danielle Lebon, which they anticipate filing with the Court promptly.

14 7. Plaintiffs and Defendant Fremont Paving Company have been in continuous
15 negotiations regarding possible settlement by payment plan, and require an additional 30 days to
16 determine whether an agreement can be reached. Should the matter fail to settle within that time
17 period, Plaintiffs intend to file a Motion for Summary Judgment as to Defendant Fremont Paving
18 Company, Inc.

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